



Transportation & Economic Development Appropriations Committee

**Friday, March 10, 2006
9:30 a.m. - 11:00 a.m.
Reed Hall (102)**

**Allan G. Bense
Speaker**

**Don Davis
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

(AMENDED 3/8/2006 4:31:37PM)

Amended(1)

Transportation & Economic Development Appropriations Committee

Start Date and Time: Friday, March 10, 2006 09:30 am

End Date and Time: Friday, March 10, 2006 11:00 am

Location: Reed Hall (102 HOB)

Duration: 1.50 hrs

Consideration of the following bill(s):

HB 599 Florida Faith-based and Community-based Advisory Board by Cannon

Workshop on the following:

Budget Workshop

NOTICE FINALIZED on 03/08/2006 16:31 by SLB



Florida House of Representatives

Fiscal Council

Committee on Transportation & Economic Development Appropriations

Allan G. Bense
Speaker

Don Davis
Chair

AGENDA

Transportation & Economic Development Appropriations

Friday, March 10, 2006

9:30 a.m. – 11:00 a.m.

Reed Hall (102 EL)

- I. Meeting Call to Order**
- II. Opening remarks by Chairman Davis**
- III. Consideration of the following Bill(s):**
HB 599 Florida Faith-based and Community-based Advisory Board
by Cannon
- IV. Budget Workshop**
- V. Closing Remarks & Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 599 Florida Faith-based and Community-based Advisory Board
SPONSOR(S): Cannon and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1232

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Future of Florida's Families Committee	6 Y, 1 N	Preston	Shaw Collins
2) Transportation & Economic Development Appropriations Committee		McAuliffe	Gordon
3) Health & Families Council			
4)			
5)			

SUMMARY ANALYSIS

The bill statutorily establishes the Florida Faith-based and Community-based Advisory Board (board) which was created by Executive Order of the Governor in November 2004 (Number 04-245). The bill provides for the board to be administratively housed within the Executive Office of the Governor. The board is to consist of 25 members: 17 appointed by the Governor; four appointed by the President of the Senate; and four appointed by the Speaker of the House of Representatives. Members are appointed for four year terms, with the initial terms being staggered. The board must meet at least once per quarter per calendar year, and work in partnership with the Volunteer Florida Foundation, Inc., a nonprofit direct support organization.

The bill specifies the activities of the board, and requires an annual report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives that documents the board's activities and recommended policies, priorities, and objectives for the state's effort to facilitate the involvement of faith-based, volunteer, and other community-based organizations.

The board is prohibited from recommending any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or s. 3, Art. I of the State Constitution. The board is abolished June 30, 2011, unless reviewed and recreated by the Legislature.

There may be an insignificant fiscal impact related to state government from the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – Members of the board may include representatives from various faiths, faith-based organizations, community-based organizations, foundations, corporations, and municipalities. Serving on the advisory board will create additional responsibilities, obligations, and work for these individuals.

B. EFFECT OF PROPOSED CHANGES:

Background

Recent state and federal actions have prompted a re-examination of the use of religious organizations for the delivery of public services. Public Law 104-193, the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," expanded the role of faith based organizations in direct service delivery. States were authorized under s. 104 of the Act to contract with charitable, religious, and private organizations for services, provided no funds were directed toward sectarian worship, instruction, or proselytizing. Article I, s. 3, State Constitution, provides in part that "[n]o revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." Concurrent actions in the state, with particular reference to the Department of Corrections and its faith based programming at Lawtey Correctional Institution, have produced renewed interest in expanding the supply of contract vendors in the hopes of reaching underserved or un-served populations that otherwise qualify for public service or intervention.

The National Conference of State Legislatures (NCSL) conducted a survey of state faith-based initiatives in all 50 states in early 2002 and reported that states that have implemented faith-based initiatives started with the creation of an office of faith-based initiatives or a state liaison for faith-based and community leaders.¹

In November 2004, Governor Bush signed an Executive Order² creating a faith-based and community advisory board. The board's mission is to help state government coordinate efforts to utilize and expand opportunities for faith-based and community-based organizations to address social needs in Florida's communities. The 25-member, Governor-appointed board serves as a policy advisor to the Governor on policies, priorities, and objectives for the state's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community organizations to the full extent permitted by law.

Effect of Proposed Changes

The bill codifies the existing advisory board created by Executive Order Number 04-245. The board is established in statute and assigned to the Executive Office of the Governor. The bill provides that the purpose of the board is to advise the Governor and the Legislature on policies, priorities, and objectives for the state's comprehensive effort to enlist, equip, enable empower, and expand the work of faith-based, volunteer, and other community organizations.

The bill provides that the board is administratively housed within the Executive Office of the Governor. The board is to consist of 25 members, with 17 appointed by the Governor; four appointed by the

¹ Jarchow, C. Faith-Based Initiatives in Welfare Reform. National Conference of State Legislatures. May 2002.

² Executive Order No. 04-245, November 18, 2004.

President of the Senate; and four appointed by the Speaker of the House of Representatives. Members are appointed for four year terms, with the initial terms being staggered. The board must meet at least once per quarter per calendar year.

The activities of the board are specified and an annual report is required to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives that contains an accounting of the board's activities and recommended policies, priorities, and objectives for the state's effort to facilitate the involvement of faith-based, volunteer, and other community-based organizations in service provision.

The board is prohibited from recommending any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or s. 3, Art. I of the State Constitution and is abolished June 30, 2011, unless reviewed and saved from repeal by the Legislature.

C. SECTION DIRECTORY:

Section 1. Creates s. 14.31, F.S., relating to the Florida Faith-based and Community-based Advisory Board.

Section 2. Provides for an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Members of the board are not entitled to compensation for their service, but may be reimbursed for per diem and travel expenses pursuant to section 112.061, Florida Statutes.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

The bill contains no appropriation for the implementation of the provisions of this bill; however, the Executive Office of the Governor states the costs related to the administration and expenses of the board could be addressed with current resources. Currently, the advisory board created by Executive Order is being funded by private sources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill codifies an existing Governor-appointed advisory board that was created in November 2004, by Executive Order of the Governor to help state government coordinate efforts to utilize and expand opportunities for faith-based and community-based organizations to address social needs in Florida's communities. The bill does not specify how the transition from a 25-member Governor-appointed board to the newly-created 25-member board with a membership appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives, will occur.

The proper term for the description of an advisory body is "Council" rather than "Board."³

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

³ See s. 20.03(7), Florida Statutes.

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A bill to be entitled

An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 14.31, Florida Statutes, is created to read:

14.31 Florida Faith-based and Community-based Advisory Board.--

(1) LEGISLATIVE FINDINGS.--The Legislature finds that:

(a) Compassionate groups of individuals have selflessly aided this state in serving our most vulnerable citizens and our most debilitated neighborhoods.

(b) Inspired by faith and civic commitment, these organizations have accomplished much in changing the lives of

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thousands and resurrecting neighborhoods torn by the strife of crime and poverty.

(c) Many beneficial opportunities may be lost if faith-based and community-based groups are not aware of opportunities to participate with government entities in serving the citizens of this state or are not equipped to participate on an equal basis, to the full extent permitted by law, in partnering or contracting with government entities for the delivery of services pursuant to a valid governmental purpose.

(d) A fee-for-service or value-for-value contract with a faith-based or community-based organization in pursuit of a valid governmental purpose primarily aids taxpayers, not the organization, and a public program of general eligibility with a secular purpose in which faith-based or community-based organizations participate on a neutral basis is consistent with the First Amendment to the United States Constitution and s. 3, Art. I of the State Constitution.

(e) Government may not advance or inhibit religious expression or endorse any particular type of religion over nonreligion but must not discriminate against the provision of services by faith-based or community-based providers who are otherwise qualified to provide services.

(f) Volunteer Florida Foundation, Inc., is a nonprofit direct-support organization equipped to assist in securing training, technical assistance, and other support needed to accomplish the intent and purposes of this act.

(2) LEGISLATIVE INTENT.--It is therefore the intent of the Legislature to recognize the contributions of faith-based and

57 community-based organizations and to encourage opportunities for
58 such organizations to partner with government entities to
59 deliver services more effectively. The Legislature further
60 intends that the purpose of the board is to advise the Governor
61 and the Legislature on policies, priorities, and objectives for
62 the state's comprehensive effort to enlist, equip, enable,
63 empower, and expand the work of faith-based, volunteer, and
64 other community organizations to the full extent permitted by
65 law.

66 (3) ESTABLISHMENT OF THE BOARD.--

67 (a) The Florida Faith-based and Community-based Advisory
68 Board is established and assigned to the Executive Office of the
69 Governor. The board shall be administratively housed within the
70 Executive Office of the Governor.

71 (b) The board shall consist of 25 members. Board members
72 may include, but shall not be limited to, representatives from
73 various faiths, faith-based organizations, community-based
74 organizations, foundations, corporations, and municipalities.

75 (c) The board shall be composed of the following members:

76 1. Seventeen members appointed by and serving at the
77 pleasure of the Governor.

78 2. Four members appointed by and serving at the pleasure
79 of the President of the Senate.

80 3. Four members appointed by and serving at the pleasure
81 of the Speaker of the House of Representatives.

82 (d) Board members shall serve 4-year terms, except that
83 the initial terms shall be staggered as follows:

84 1. The Governor shall appoint six members for a term of 3

years, six members for a term of 2 years, and five members for a term of 1 year.

2. The President of the Senate shall appoint two members for a term of 3 years and two members for a term of 2 years.

3. The Speaker of the House of Representatives shall appoint two members for a term of 3 years and two members for a term of 2 years.

(e) A vacancy shall be filled by appointment by the original appointing authority for the unexpired portion of the term.

(4) MEETINGS; ORGANIZATION.--

(a) The first meeting of the board shall be held no later than August 1, 2006. Thereafter, the board shall meet at least once per quarter per calendar year. Meetings may be held via teleconference or other electronic means. The board shall work in partnership with the Volunteer Florida Foundation, Inc., in noticing and coordinating all meetings of the board.

(b) The board shall annually elect from its membership one member to serve as chair of the board and one member to serve as vice chair.

(c) Thirteen members of the board shall constitute a quorum.

(d) Members of the board shall serve without compensation but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(5) SCOPE OF ACTIVITIES.--The board shall determine:

(a) How government may deliver state services with a valid governmental purpose on a neutral basis without regard to the

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religious or secular perspective of faith-based and community-based organizations.

(b) How best to develop and coordinate activities of faith-based and community-based programs and initiatives, enhance such efforts in communities, and seek such resources, legislation, and regulatory relief as may be necessary to accomplish these objectives.

(c) How best to ensure that state policy decisions take into account the capacity of faith-based and other community-based initiatives to assist in the achievement of state priorities.

(d) How best to identify and promote best practices across state government relating to the delivery of services by faith-based and other community-based organizations.

(e) How best to coordinate public awareness of faith-based and community nonprofit initiatives, such as demonstration pilot programs or projects, public-private partnerships, volunteerism, and special projects.

(f) How best to encourage private charitable giving to support faith-based and community-based initiatives.

(g) How best to bring concerns, ideas, and policy options to the Governor and Legislature for assisting, strengthening, and replicating successful faith-based and other community-based programs.

(h) How best to develop and implement strategic initiatives to strengthen the institutions of families and communities in this state.

(i) How best to showcase and herald innovative grassroots

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nonprofit organizations and civic initiatives.

(j) How best to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede effective faith-based and other community-based efforts to address social problems.

(k) How best to monitor implementation of state policy affecting faith-based and other community-based organizations.

(l) How best to ensure that the efforts of faith-based and other community-based organizations meet objective criteria for performance and accountability.

(6) RESTRICTED ACTIVITIES.--The board shall not recommend any public program that conflicts with the Establishment Clause of the First Amendment to the United States Constitution or s. 3, Art. I of the State Constitution.

(7) REPORT.--By February 1 of each year, the board shall prepare a written report for the Governor, the President of the Senate, and the Speaker of the House of Representatives containing an accounting of its activities and recommended policies, priorities, and objectives for the state's comprehensive effort to enlist, equip, enable, empower, and expand the work of faith-based, volunteer, and other community-based organizations to the full extent permitted by law.

(8) REPEAL AND ABOLITION.--This section is repealed and the board is abolished June 30, 2011, unless reviewed and saved from repeal by the Legislature.

Section 2. This act shall take effect July 1, 2006.